

REMARKS/ARGUMENTS

Claims 1, 2, 4, 5, and 7 are pending in the present application, of which claims 1 and 7 are independent. Claims 1, 2, and 7 are hereby amended. No new matter has been added.

The courtesies extended to Applicant's representative by Examiner Stuart S. McCommas during the telephonic interview held on July 23, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

On pages 2-6, the Office Action rejects claims 1, 2, 4, 5, and 7 under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 5,907,314 to Negishi (hereinafter "Negishi") in view of WO 01/54108 A1 to Liang (hereinafter "Liang"). Applicant respectfully traverses these rejections.

As amended, independent claim 1 now recites the following subject matter: "an intermediate charging, beginning at a time not earlier than T" (emphasis added). Similar subject matter now appears in independent claim 7. This subject matter finds support, for example, in paragraph [0031] and Figure 4 of the published version of the specification.

Applicant respectfully submits, as discussed during the interview held on July 23, 2009, that Negishi in view of Liang clearly does not disclose, teach, or suggest this subject matter because Liang has charging and discharging periods. Applicant respectfully submits that deletion of “substantially” from the independent claims clearly eliminates any claim scope covering a situation where concurrent charging and discharging occur. Consequently, the Liang reference teaches away from the recited subject matter by excluding a case where the onset of charging occurs “not earlier” than the conclusion of the discharging process.

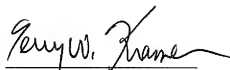
For the reasons detailed above, Applicant respectfully submits that independent claims 1 and 7 are allowable. Claims 2, 4, and 5 depend from claim 1. Thus, Applicant respectfully submits that claims 2, 4, and 5 are allowable at least on the basis of their respective dependencies upon an allowable independent claim. Accordingly, Applicant respectfully requests that the rejections of claims 1, 2, 4, 5, and 7 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Juergen Krause-Polstorff, of NXP Corporation at (408) 474-5256.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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